

Ch. Calabro called the meeting to order at 7:03 p.m.

Ch. Calabro noted that this meeting is being taped for transcription purposes only and the written minutes and attachments, if any, will serve as the official record of this meeting. Any Board Member who has a monetary interest including any conflict or ex parte communication shall disclose now.

Ch. Calabro stated that Alternate Schaefer would move to sit on the Board in place of Ms. Mainzer who had an excused absence.

Roll Found: Calabro, Hoop, Zeleznak, Budd and Schaefer. Also present were Alternate Boleman, Trustee Schulte, Building Inspector Wilson, Zoning Commission Member Bruce Schneider, Paul Galletti, Mary Alice Lehky, Jerome Lehky and Veljko Nikolic.

Recording Secretary Chism read the legal ad.

Ch. Calabro stated that the Hinckley Township Board of Zoning Appeals acts within the authority of Section 519 of The Ohio Revised Code and exercises its power as provided under Section 7 & 13 of The Hinckley Township Zoning Regulations. All public hearings are open to the public. All persons wishing to testify must do so from the podium; must identify themselves and give their address, and must be sworn in. Evidence and testimony must be pertinent to the hearing. It is the Chairperson's discretion to limit personal comments, personal attacks, opinions, editorializing, and/or repetitious statements or testimony or evidenced previously given. Disruptive persons will lose their right to remain at the hearing. Personal attacks will not be tolerated.

Ch. Calabro stated the hearing is for the application for a Variance (AP0227) submitted by Paul Galletti of 1220 Stony Hill Road, Hinckley, Ohio (Permanent Parcel #01603A33053) requesting for variances to construct an accessory building, at the stated address, in a location that does not meet the minimum side yard setback of thirty (30) feet and that exceeds the total allowable square footage required by the Hinckley Zoning Regulations. The Applicant has submitted an application to this Board of Zoning Appeals and has also submitted certain documents and various drawings in support of his application.

Recording Secretary Chism polled the Board as to whether they received the packet of information and inspected the property at 1220 Stony Hill Road, Hinckley, Ohio (Permanent Parcel #01603A33053).

Response: Budd – Yes and yes inspected on 7/21/18, Zeleznak – Yes and he was out of town on 7/21/18 so he Googled the property and drove into the driveway on 7/26 and saw the stakes, Hoop – Yes and yes inspected on 7/21/18, Calabro – yes and yes inspected on 7/22/18, Schaefer – yes and yes inspected on 7/21/18.

Ch. Calabro asked Recording Secretary Chism if any letters, phone calls or emails were received. Ms. Chism said no.

Ch. Calabro stated that notice of the application was properly given in local newspapers, and the application has been available for public review and comment.

Ch. Calabro stated that non-written communications made by known or unknown persons not under oath at this hearing are not accepted by this Board. Each member of this Board of Zoning Appeals has been provided a copy of this application and a copy of the other documents in support of the application.

Ch. Calabro stated that written communications from persons not present this evening may include communications that are not made by affidavit. Because these communications are made by a person not under oath, they are not accepted by this Board. She also noted that written communications may include some writing by affidavit, by persons that are not present this evening and, therefore, cannot be subjected to cross examination. These affidavits, therefore, will not be given much weight, if any, in the decision of the Board on this matter.

Ch. Calabro stated that this Board has the power to grant an Applicant's request for variance.

Mr. Paul Galletti of 1220 Stony Hill Road, Hinckley Ohio, was sworn in accordingly.

Ch. Calabro asked Mr. Galletti to give a summary of his application. He said that he wants more square footage to accommodate the size of the building to store his truck, boat and trailer. He doesn't want to store those items in his yard which could become an eyesore. He said that these are items that he can't store in his garage. Ch. Calabro asked Mr. Galletti why he chose the location of the placement of the building and he said it was due to easy in/out access to the building and due to the placement of the septic system.

Ch. Calabro asked Mr. Galletti if he was aware of the Hinckley Zoning Regulations when he bought the property. He said he has only been in the house for a couple of months and he originally wasn't aware of the zoning regulations.

Mr. Galletti said that he originally wanted to build a 60' x 80' building but he shrunk it down when he was informed it was too big for the size of his property so he had the contractor change it to a 50' x 72' building. Mr. Galletti said that he is not conducting any type of business from his home; the RV, Boat, Truck and the 69 foot trailer are all for personal use.

Mr. Schaeffer said that he spoke with Mr. Galletti concerning the size and the variance on Saturday. He told him if he cut down some trees, he could push the building back and over 10 feet. Mr. Galletti said that he would prefer to keep the green space as he doesn't want to take up the entire backyard with the building. Mr. Galletti said he did speak with Mr. Schaefer and said that what he told him could be done as Plan B. He also said that if he turned the entrance to the building north and south then he would lose any view out of the back of his house.

Mr. Budd asked Mr. Galletti where he was currently storing all of his equipment. He said they were in storage however he would like to have all of his items in one spot and quit paying rent. He also would like to have the opportunity to work on his boat at his home.

Ch. Calabro asked if he could shrink down the size of the building so he could stay within the 30' side yard. Mr. Galletti said if it is just the property line issue he can make the building work to stay within the 30' side yard line; that would be his Plan B but he would like to keep the building at 50' x 72'. Mr.

Zeleznaк said that he has a problem with the size of the building and said that 500 feet needs to be shaved off of it. Ch. Calabro said that there is a formula based on the size of the property that is used to determine the size of the building and there is an option to move the side line to 30' and make the building smaller. Mr. Galletti said that he could shrink off another 10' to 12' on the back of the building.

Mr. Budd asked Mr. Galletti how he came up with the square footage of the building. Mr. Galletti said that he just figured out how much he needed to store the equipment which would also allow him to be able to work on his stuff and other hobbies. Mr. Budd asked if the building could be resized to accommodate the extra 10 feet side yard that he is requesting. He said he will have to ask the barn builder to see if the changes can be made considering the loads and sizes.

Mr. Budd asked what he was going to do with the shed that is on the property. Mr. Galletti said that it is run down and he is going to remove it.

Ch. Calabro said that if he changed the size of the building to 50' x 60' then the building would fit the size of 3,000 to 3,056 square feet which he would be able to do.

Being there were no further questions, Mr. Galletti was seated.

Ch. Calabro asked if anyone else wished to speak. Mary Alice Lehky of 3005 Southern Road, Richfield, Ohio approached the podium and was sworn in. Mrs. Lehky said that she was speaking for herself and her husband who was also in the audience. Mrs. Lehky said that she and her husband own the vacant lot directly to the south of Mr. Galletti's property and they plan to build a retirement one story home on their property. She said that they have no problem with the size of the building that Mr. Galletti wants to build but they do not want it to be 20 feet from their property. She said that the zoning requirements are 30 feet from the property line and that is where they want it to stay.

Being there no further questions, Mrs. Lehky was seated.

Ch. Calabro asked Zoning Inspector Wilson if he had anything else to add. He said everything has been covered very nicely.

Ch. Calabro asked if there was anyone else who wished to speak. Veljio Nikolic of 1186 Stony Hill Road approached the podium and was sworn in. Mr. Nikolic said he wasn't clear as to which side of Mr. Galletti's property he was planning on placing the building. He said that he has no problems with the size of the barn but he doesn't want it any closer to his property so he feels the 30' side line should be upheld. (It was pointed out that the building was being placed at the south border of his property, not the north border which is next to Mr. Nikolic's property.)

Being there no further questions, Mr. Nikolic was seated.

There being no further testimony offered, Ch. Calabro asked for a review of the Duncan Factors.

Factor #1 Will the property yield a reasonable return or can there be a beneficial use of the property without the variance?

Vote: Schaefer – Yes, Budd – Yes, Zeleznaк – Yes, Hoop – Yes, Calabro – Yes

Factor #2 Is the variance substantial?

Vote: Budd – Yes, Zeleznak – Yes, Hoop – Yes, Calabro – Yes, Schaefer - Yes

Factor #3 Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment if this variance is granted?

Vote: Zeleznak – No – looked at Google and it will be one of the biggest buildings along there but it won't be a detriment, Hoop – No, Calabro – No, Schaefer – No, Budd - No

Factor #4 Will the variance adversely affect the delivery of governmental services such as fire or ambulance?

Vote: Hoop – No, Calabro – No, Schaefer – No, Budd – No, Zeleznak - No

Factor #5 Did the property owner purchase the property with knowledge of the zoning restrictions?

Vote: Calabro – Based on testimony No, Schaefer – No, Budd – No, Zeleznak – No, Hoop - No

Factor #6 Can the problem be solved by some manner other than the granting of a variance?

Vote: Schaefer – Yes, Budd – Yes, Zeleznak – Yes, Hoop – Yes, Calabro – Yes

Factor #7 Does the variance preserve the “spirit and intent” of the zoning requirement and will “substantial justice” be done by granting the variance?

Vote: Budd – No, Zeleznak – No, Hoop – No, Calabro – No, Schaefer - No

Ch. Calabro stated that any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the ground that such decision was unreasonable or unlawful and will have 30 days from the date of this meeting to appeal. And the Chairman will state when the minutes will be journalized.

Mr. Schaefer asked if they were voting on both variances on the Duncan Factors? Ch. Calabro said that since testimony was given on both variances, the decision will be on both. Ch. Calabro asked to poll the board to see if they were voting the same on both variances.

Vote: Budd – No wouldn't change, Zeleznak – No, based on the testimony, Hoop – No change, Calabro – No, Schaefer - No wouldn't change

The vote is no – 5-0

Mr. Hoop stated that this is a motion for a variance (AP0227) for Paul Galletti of 1220 Stony Hill Road, Hinckley, Ohio (Permanent Parcel #01603A33053). A resolution is made for a variance of 10 feet on the side yard setback from the required 30' which would make it 20', Hinckley Zoning Sub Section Ref. 6R1.4.E (side yard); and a variance for the size of the building Hinckley Zoning Sub Section 6R1.6.A.2.b (accessory building) of an increased size of 541 square feet over the allowed 3,058 square feet; and the removal of a small shed at the rear of the property. Mr. Zeleznak seconded the motion.

Ch. Calabro explained the vote to the Applicant. As stated, a Yes simple majority with a quorum present is in favor of the Applicant. A No simple majority, or a tie vote denies the Applicant's request. Ch. Calabro stated that any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the ground that such decision was unreasonable or unlawful and will have 30 days from the date of this meeting to appeal.

Vote: Calabro – No, Hoop – No, Zeleznak – No, Budd - No, Schaefer - No

Ch. Calabro stated that the variance has been denied by a vote of 5 to 0 with a footnote that according to the applicant's testimony there are other options, that will still give him a sizable building. I'm sorry but the answer is no.

Ch. Calabro reiterated that anyone who has adversely been affected by this decision has 30 days from the date of this hearing to file suit.

The public hearing was recessed while Ch. Calabro, Mr. Hoop and Mr. Galletti signed the Variance Decision Form and a copy was given to Mr. Galletti.

Ch. Calabro made a motion to adjourn the Meeting. Mr. Budd moved and Mr. Schaefer seconded.

Vote: Calabro – yes, Hoop – yes, Zeleznak – yes, Budd – yes, Schaefer – yes

Hearing was adjourned at 7.40 p.m.

Carolyn Chism, Recording Secretary

Minutes Approved: _____, 2018

Josephine Calabro, Chairperson

Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member

Bill Budd, Member

Bill Schaefer, Alternate